**THE HON'BLE SRI JUSTICE R.SUBHASH REDDY**

**WRIT PETITION No.1691 of 1998**

**Dated: 21.08.2007**

Between

Chandrabhan Agarwal

…Petitioner

And

A.P. Industrial Infrastructure Corporation Ltd. (IE)
Balanagar, Hyderabad and another. …Respondents

**THE HON'BLE SRI JUSTICE R.SUBHASH REDDY**

**WRIT PETITION No.1691 of 1998**

**ORDER:**

This writ petition is filed seeking a writ of *mandamus* declaring the demand of the respondents under letter, dated 18.12.1997, as illegal and arbitrary and consequently to direct the respondents to execute a registered sale deed in favour of the petitioner in respect of Plot No.B-84, APIE, Balanagar for an extent of 700 square yards.

It is stated that the petitioner was allotted a plot bearing No.B-84 in the Andhra Pradesh Industrial Estate at Bala Nagar. Though it was agreed to convey an extent of 2625 square yards *vide* letter, dated 27.08.1976, the sale deed was executed only to an extent of 2288 square yards on 21.12.1981. Adjoining the land allotted to him, there was some land, which is stated to have been developed by the petitioner and protected from encroachers. As there is a shortfall for the land, which was originally agreed upon, the petitioner made an application for sale of other adjoining land admeasuring 700 square yards in his favour. When the said land of 700 square yards was not sold to the petitioner, he earlier approached this Court and filed W.P.No.26908 of 1996. Without entering into the claim of the petitioner, this Court, by order, dated 25.06.2007, directed the respondents to consider his request by giving an opportunity to him and not to dispossess him till appropriate final decision was taken in the matter. Consequent to the order of this Court, the respondents have issued the impugned letter, dated 18.12.1997, wherein they have decided to sold the said land of 700 square yards to the petitioner at the rate of Rs.250/- per square meter with interest @22% from

01.01.1990 till the date of final payment.

Though the decision taken in the letter, dated 18.12.1997, is subject matter of challenge in the writ petition, it is submitted by the learned counsel for the petitioner that the petitioner made further representation during the pendency of this writ petition on 15.03.2007 to the Managing Director of Andhra Pradesh Industrial Infrastructure Corporation Limited, wherein he has agreed to accept the rate as proposed in the letter, dated 18.12.1997. However, he has requested for some more concessions in the said representation.

At the stage of admission, this Court granted interim order subject to condition of the petitioner depositing an amount of Rs.70,000/- within a period of one month from that date. It is stated that pursuant to the said direction, the said amount of Rs.70,000/- has already been deposited and the same is lying with the respondents.

In view of the statement made by the learned counsel for the petitioner that the petitioner submitted a representation, dated 15.03.2007, wherein he agreed to accept the rate as proposed in the impugned letter, dated 18.12.1997, it is for the respondents to consider the representation, dated 15.03.2007, in view of the fact that it is a contractual obligation and that this Court in exercise of powers under Article 226 of the Constitution of India cannot issue any positive direction as sought for by the petitioner by directing the respondents to sell the disputed site in question at a particular rate.

In view of the same, the first respondent–Corporation is directed to consider the representation of the petitioner, dated 15.03.2007, and pass appropriate orders, as expeditiously as possible, preferably within a period of two months from the date of receipt of a copy of this order. However, it is made clear that the amount of Rs.70,000/-, which is deposited by the petitioner pursuant to the interim order granted by

this Court, will be subject to the outcome of the decision to be taken by the respondents in pursuance of the representation of the petitioner, dated 15.03.2007. It is also made clear that it is open for the respondents to consider the representation of the petitioner, dated 15.03.2007, on its own merits uninfluenced by any of the observations made in this order.

Subject to the above direction, the writ petition is disposed of. There shall be no order as to costs.

**R.SUBHASH REDDY,J**

Date: 21.08.2007
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